

RECEIVED

010146

JUN 07 2001

PAULINE ESTEVES: I'm Pauline Esteves and I'm from the Timbisha Shoshone Nation of Death Valley National Park. We're recognized by the United States government as a sovereign nation, and we do have a voice in this, and we have a petition out there to the Secretary to become a government that is affected by what's going on over here at Yucca Mountain.

- 1 I know there's a limit for my comments, but I have listed here. We request an extension of 45 days to the comment period on the Draft Environmental Impact Statement, the Supplement. And we request for more locations of hearings, including Timbisha, the sovereign nation there in Death Valley National Park.

The Timbisha Shoshone tribe has petitioned the Secretary to become an affected Indian tribe under the Nuclear Waste Policy Act of 1982, and seeks to obtain full rights to participate in the Yucca Mountain project.

- 2 The Timbisha Shoshone tribe is located 40 miles from Yucca Mountain downhill on the floor of Death Valley. Water from Yucca Mountain flows toward Timbisha. The Timbisha Shoshone tribe is part of the great Western Shoshone Nation, the richest nation here in the United States; however, the land has been taken away from us by the Europeans. The 1863 Treaty of Ruby Valley between the Western Shoshone Nation and the United States is in full force and effect. Yucca Mountain is Western Shoshone land.

In the Supplement 3.1.1, Land Use and Ownership, the United States Department of Energy does not own Yucca Mountain. The Western Shoshone people do. This is a fact that is a disqualifying condition under the Nuclear Waste Policy Act.

- 3 In the DEIS Supplement, again 3.1.5, Cultural Resources, the DOE activities disturb Western Shoshone cultural sites and destroy Western Shoshone culture in ways the DOE cannot understand. Ongoing ground disturbing activities disturb our wildlife and our plants and the whole ecosystem and physical access. Future repository operations will increase temperature from hot waste on the mountain further disturbing our lands and interacting with our living cultural properties.

- 4... Because of the special rights of the Timbisha Shoshone Nation, the United States has a special responsibility to engage in a formal government-to-government relationship with the tribes, so it has been stated inter-negotiations and mediations, whatever it takes.

The DOE has attempted to work around this stated policy of the United States and created a consolidated group of tribes to replace this special relationship. And I have gone with this consolidated group of Indians that replaces this special relationship of all those other Indian nations, and it is very wrong because during

4 cont. our Nevada Test Site EIS process there, and this has been recorded, and I was there, and these people did not know who was going to sign off finally with the recording secretary.

They wanted a recognized Indian tribe to sign off on it, and they asked me, a Timbisha Shoshone, a tribe at that time, we did not have any land but we do have land now, and this is why we qualify for this, to be become the affected tribe under that Nuclear Policy Act of then.

Well, anyway, I said I would not do that because everything that was said there did not come from this one nation. It came from a group of people. And the group of people there had no knowledge. I'm not saying I'm an expert on this. I'm reading what has been written up for me by some knowledgeable people within our nation, and this is why we want to petition.

And someone then from that group says, Well, my tribe will sign off. And I was trying to persuade the people not even to sign it, because there was no one there. They were signing for the whole group of this consolidated group. And some of these people do not have any idea of what an EIS is or even what is occurring here at Yucca Mountain.

5 In the Draft EIS, Supplement 3.13.13, the Environmental Justice, the DOE acknowledges the Western Shoshone treaty rights but calls it, in parenthesis, an unresolved issue. The DOE violates the principles of environmental justice by attempting to place the most dangerous material known on Western Shoshone land near the Timbisha Shoshone tribe, nation I should say. This come with the idea of calling it a nation because we were so used to calling it a tribe, like the United States always wanted us to do. But since we have a land base now in California and in Nevada, in Nye County up the road that other people talk about, this corridor, we have land up through there also. And Nye County knows all about this because we have worked with them. And this places a disproportionate burden and risk about the Western Shoshone people. And the Western Shoshone people have always lived in protecting all life and all mankind.

Thank you for your time.